

April 2006 Unified Program Newsletter

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California Environmental Protection Agency

CUPA Evaluation Final Reports

Cal/EPA Unified Program staff have finalized the final evaluation report process and are processing and sending out the pending final evaluation reports. The 2005 and 2006 final reports, including the summary of findings, observations and recommendations, and examples of outstanding program implementation will be posted on the Cal/EPA Unified Program web site under the Evaluation section as they are completed. As work load permits, the previous years' evaluations will also be posted.

State Agency as CUPA Fee Regulations

Cal/EPA held the public hearing and closed the formal public comment period on the proposed regulations on March 6, 2006. Several comments were received and Cal/EPA is addressing those comments. The final regulation package is expected to be filed with the Office of Administrative Law by the end of April and is expected to become permanent by the end of May.

Staff Changes

John Paine, Staff Environmental Scientist, returned to the Cal/EPA Unified Program from the Office of Homeland Security. We are really happy to have John back.

Liz Haven of the SWRCB has accepted a promotion to Assistant Division Chief, Surface Water Regulatory Branch and leaves the Underground Storage Tank Program. She will be greatly missed for her vision and tenacity in implementing the UST Program Element of the Unified Program.

State Water Resources Control Board

Local Guidance Letter 167

Qualifications and Scope of Work for UST Installers and Service Technicians On March 13, 2006, the State Water Board UST Program issued an e-mail distributing LG 167. The purpose of LG 167 is to 1) clarify training and certification requirements for individuals installing, repairing, calibrating, and maintaining underground storage tank systems or components thereof; and 2) provide guidance on which tasks should be conducted by qualified installers and service technicians. LG 167 is available on the UST Program website.

Contact: Scott Bacon (sbacon@waterboards.ca.gov , 916-341-5873)

IUST Grants

Between February '05 and February '06 approximately 270 new facilities were installed in California. 34 of these new facilities received IUST Grants, totaling the amount of \$892,774.88 (the average grant amount was \$26,200). This means that more than 12% of the new facilities received the IUST Grant. All grants issued were for VPH monitoring and ELD testing.

Contact: Doni Jackson (dljackson@waterboards.ca.gov ; 916-341-5863).

ICC CA UST Inspector Status Survey

In cooperation with the CUPA Forum Board, the State Water Resource Control Board (Water Board) is gathering statewide information on the number of local agency employees who are conducting UST inspections and possess an ICC CA UST Inspector certification. On February 1, we sent an email to the CUPA Single-Point of Contact (SPOC) requesting this information for their jurisdiction by February 28. To date, the Water Board has received 70 responses to the Survey. Water Board staff and UST Issue Coordinators will work with the remaining 29 CUPA programs who have not responded to obtain the requested information.

Contact: John Elkins (jelkins@waterboards.ca.gov ; 916-341-5668).

Single-Walled UST Survey

On September 22, in cooperation with the CUPA Forum Board, the State Water Resource Control Board (Water Board) sent each local agency a survey to gather information on the number of UST facilities with single-walled UST systems (SW tanks with SW piping, SW tanks with DW piping, and/or DW tanks with SW piping). Additionally, information was requested on the number of SW UST systems that serve as the only fueling location for large rural geographical areas. To date, the Water Board has received 85 responses to the Survey. Water Board staff and UST Issue Coordinators will work with the remaining 14 CUPA programs who have not responded to obtain the requested information.

Contact: John Elkins (jelkins@waterboards.ca.gov ; 916-341-5668).

ICC Certification Status

As of February 28, 2006, a total of 434 persons had obtained ICC UST Inspector Certificates. We recommend that, when an UST inspector signs UST facility inspection

reports, the inspector also include his or her ICC UST Inspector Certificate number. Other ICC California UST programs: Designated UST Operators -3707; UST Service Technicians -865; UST Installers with a California address - 581. Contact: Laura Chaddock (Ichaddock@waterboards.ca.gov ; 916-341-5870).

Department of Toxic Substances Control

Hazardous Waste Manifest Training

DTSC urges all CUPAs to participate in upcoming “Train the Manifest Trainer” sessions being scheduled in June. Matt Peterson will be working with the four Regional Training Coordinators to schedule this training. These new “Manifest Trainers” would be responsible for training staff in their CUPA and encouraged to provide training for generators and/or presentations to industry groups. DTSC will be publishing a schedule of public training soon and will include information on CUPAs willing to train generators. To help with planning and outreach, please email Matt at mpeters2@dtsc.ca.gov by April 18 if your CUPA is interested in presenting internal or generator training.

DTSC is planning workshops for permitted facilities and transporters in June and July in conjunction with the California Waste Association (CWA) and the Independent Waste Oil Collectors and Transporters Association. The CWA co-sponsored sessions would also be available to generators.

In addition, DTSC will soon be launching new web pages for manifests and EPA Identification numbers. Manifest information can be found at www.dtsc.ca.gov under “Hot Topic.” CUPA staff may want to sign up for the Manifest Listserv to receive electronic updates. DTSC will be mailing manifest information to generators as part of the annual verification questionnaire in June. Questions about the manifest regulations should be sent to CAManRegs@dtsc.ca.gov

Recycled Material Information

The Department of Toxic Substances Control (DTSC) has recently received inquiries regarding: 1) the proper labeling of recyclable materials recycled under Health and Safety Code section 25143.2(c) and (2) recycling constituting the treatment of a cyanide-bearing hazardous waste. A brief discussion of these items is provided below. For further information, please contact your CUPA liaison.

1) Proper labeling of materials recycled under Health and Safety Code section 25143.2(c)(2).

Health and Safety Code section 25143.2(c)(2) grants an exemption from the hazardous waste facilities permit requirements that would ordinarily apply to any generator who recycles and reuses a recyclable material onsite. This exemption from hazardous waste facility permitting stipulates that the generator must comply with all applicable requirements for generators of hazardous wastes. Included in the generator requirements (in chapter 12) are (among other things): the accumulation time limits, and

labeling and training requirements for generators of hazardous wastes. Therefore, recyclable materials managed under Health and Safety Code section 25143.2(c)(2) are still required to be labeled as specified in title 22 of the California Code of Regulations section 66262.34(f).

Health and Safety Code section 25143.9 imposes additional conditions which limit the applicability of the direct recycling exclusions contained in Health and Safety Code subsections (b) and (d). Those additional conditions do not apply to the permit exemption discussed in the paragraph above. As stated in Health and Safety Code section 25143.9, the labeling requirements in subsection (a) of Health and Safety Code section 25143.9 only apply to materials which are "excluded from classification as a waste pursuant to subdivisions (b) or (d) of Section 25143.2" [emphasis added].

2) Recycling constituting the treatment of a cyanide-bearing hazardous waste. Pursuant to Health and Safety Code Section 25201, persons who treat hazardous wastes are required to obtain a hazardous waste facility permit or other grant of authorization from DTSC. Most often CUPA inspectors observe treatment activities authorized via the lower tier "grants of authorization" (i.e., CA, CE and PBR). The treatment of reactive, cyanide-bearing hazardous wastes does not fall under the lower tier grants of authorization. DTSC is currently developing regulations that will provide this grant of authorization in the future. Until those regulations are adopted, all treatment of reactive, cyanide-bearing hazardous wastes, including recycling activities involving the treatment of a reactive, cyanide-bearing hazardous waste, should be referred to DTSC. If you become aware of a business treating a cyanide-bearing waste, please contact Ms. Asha Arora at (510) 540-3874 or at aarora@dtsc.ca.gov and provide her with the business's name, address and a point of contact at the facility. DTSC requires businesses treating cyanide-bearing, reactive hazardous wastes to submit a notification to DTSC identifying and describing this treatment. Currently, cyanide-bearing hazardous wastes are authorized by DTSC under a consent order issued by DTSC. When a CUPA encounters such a treatment activity, the CUPA should tell the business to follow the Permit-by-Rule (PBR) requirements because the consent order will require this compliance.

Office of Emergency Services

Hazardous Materials Emergency Preparedness (HMEP) Grant

The purpose of the HMEP grant program is to:

- Increase effectiveness in safely and efficiently handling hazardous materials accidents and incidents
- Enhance implementation of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA)
- Encourage a comprehensive approach to emergency training and planning by incorporating the unique challenges of responses to transportation situations.

Please call Diana Melroe at (916) 845-8778 if you have any HMEP questions. The OES Haz Mat Website for HMEP information is at:

<http://www.oes.ca.gov/Operational/OESHome.nsf/Content/10325B47C4A2F4EB88256EF3006F81F1?OpenDocument>

Area Plan Training

OES/Local Emergency Planning Committee (LEPC) II is co-sponsoring an Area Plan Workshop on May 30th, 2006 in Hayward, CA. This 1 day course will cover:

- Area Plan Requirements BASIC Overview
- Area Plan Forum Discussion
- Workshop Exercise
- HMEP Grant Requirements & Protocols

If interested contact Diana Melroe at (916) 845-8778

OES Unified Program Staff Contact Information

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The Unified Program Section is interested in your comments and suggestions regarding the monthly newsletter. Please provide comments and suggestions to cupa@calepa.ca.gov.

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